

LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of May 3, 2014

The regular meeting of the Second Injury Board convened at 2:02 p.m.

The following were present:

1. Mr. Charles Hansberry, Chairman, representing Commissioner of Insurance
2. Mr. Wes Hataway, OWCA Director
3. Mr. Steve Hawkland, representing Secretary of State
4. Ms. Pauline Williams, SIB Director
5. Michelle Sumrall, Compliance Supervisor
6. Karl Scott, General Counsel
7. Kirk Landry, representing Louisiana Construction & Industry SIF
8. Gary Kern, representing Louisiana Construction & Industry SIF
9. Shaneka Davis, Recording Secretary

Mr. Hansberry, Chairman, called the meeting to order and began with *Item 1* on the agenda, being the reading of the minutes from the previous meeting. Mr. Hawkland moved to dispense with the reading of the minutes and approve the minutes as printed and distributed. The motion was seconded by Mr. Hataway and passed unanimously.

The Chairman moved to *Item 2* on the agenda, there are two hearing scheduled, claim number 08-0621 the employee is Michael Arnold, the employer is Greater Louisiana Staffing and the carrier is Louisiana Construction & Industry SIF. The representative for this claim is Mr. Kirk Landry and Mr. Gary Kern.

Mr. Landry states that they are confused concerning the reimbursement. He states that the claim was denied by the SIB it went into appeal and enter a consent judgment (see attachment). Mrs. Pauline states that the consent judgment doesn't concern what's going to be reimbursed. The consent judgment is the board agreeing to accept the claim as a reimbursable claim (see attachment). Mr. Hansberry asks the pleasure of the board. Mr. Hawkland moved that the board deny the request. Mr. Hataway second and passed unanimously.

Second hearing on the board claim # 13-0482 employee Stacy Boudreaux, the employer is Care Ambulance Service, Inc and the carrier is Louisiana Construction & Industry SIF. The representative for this claim is Mr. Gary Kern and Mr. Kirk Landry. Mr. Kern states that Care Ambulance was sold to Acadian Ambulance, the employee completed a second injury fund form when hired (see attached). Mrs. Sumrall states that the dispute is because a past existing condition and we do not consider it as permanent disability (see attached) Mr. Hansberry asks the pleasure of the board. Mr. Hawkland moved that the claim denied, Mr. Hataway second and passed unanimously.

Next the Chairman moved to *Item 3* on the agenda, being the recommendation of staff to approve reimbursement on the following (16) claims; beginning with Claim #13-0216 and ending with Claim #14-0109.

The motion was made by Mr. Hawkland and seconded by Mr. Hataway and passed unanimously.

1.	13-0216	City of New Orleans	104 week deductible
2.	13-0232	Amerisure Insurance	104 week deductible
3.	13-0266	Monroe City School Board	104 week deductible
4.	13-0271	Louisiana Workers' Compensation Corporation	104 week deductible
5.	13-0390	Lumbermen's Underwriting Alliance	104 week deductible
6.	13-0438	Louisiana Hospital Association	104 week deductible
7.	13-0589	Louisiana Office of Risk Management	104 week deductible
8.	13-0642	LUBA Casualty Insurance Company	104 week deductible
9.	13-0820	Jefferson Parish School Board	104 week deductible
10.	13-0827	City of New Orleans	104 week deductible
11.	13-0865	Louisiana Safety Association of Timbermen	104 week deductible
12.	13-0912	Louisiana Workers' Compensation Corporation	104 week deductible
13.	13-0934	St. James Parish School Board	104 week deductible
14.	13-0988	Insurance Co of the State of PA	104 week deductible
15.	13-1034	LA Restaurant Association	104 week deductible
16.	14-0109	Brookshire Grocery Company	104 week deductible

Mr. Hansberry asked for a motion to accept the recommendation of staff and approve reimbursement of these claims. The motion was made by Mr. Hawkland, seconded by Mr. Hataway, and passed unanimously.

The Chairman moved to *Item 4* on the agenda, being the recommendation of staff to deny reimbursement for the following (38) claims; number #4 under Item 4 Claim #12-0472, has been postponed. The other (37) items have been recommended for denial beginning with Claim #11-0828 and ending with Claim #14-0112.

1.	11-0828	Arch Insurance Company	
2.	12-0097	Zurich American Insurance Company	
3.	12-0294	National Union Fire Insurance – Pittsburgh, PA	
4.	12-0472	General Motors Corporation	Postpone
5.	12-0566	LUBA Casualty Insurance Company	
6.	12-0665	Louisiana Commerce & Trade Association	
7.	12-0697	Cargill Inc. & Subsidiaries	
8.	13-0009	Georgia-Pacific Corp	
9.	13-0190	New Hampshire Insurance Company	
10.	13-0383	Saia Motor Freight Line	
11.	13-0587	PA Manufacturers Association Insurance Company	
12.	13-0602	Stonetrust Commercial Insurance Company	
13.	13-0793	Bridgefield Casualty Insurance Company	
14.	13-0796	Louisiana Office of Risk Management	
15.	13-0819	New Hampshire Insurance Company	
16.	13-0822	None Documented	
17.	13-0828	City of Baton Rouge	
18.	13-0834	Louisiana Workers' Compensation Corporation	

19. 13-0838 Louisiana Construction & Industry - SIF
20. 13-0840 EBRP School Board
21. 13-0847 Farmington Casualty Company
22. 13-0849 New Hampshire Insurance Company
23. 13-0850 Louisiana Construction & Industry – SIF
24. 13-0858 Jefferson Parish School Board
25. 13-0867 Gulf Island Fabricators
26. 13-0885 LA Construction & Industry
27. 13-0887 Louisiana Office of Risk Management
28. 13-0897 LUBA Casualty Insurance Company
29. 13-0924 American Interstate Insurance Company
30. 13-0926 Sentry Insurance
31. 13-0983 LUBA Casualty Insurance Company
32. 13-1025 LUBA Casualty Insurance Company
33. 13-1031 Louisiana Hospital Association
34. 13-1079 Liberty Mutual Insurance Company
35. 14-0015 Jefferson Parish School Board
36. 14-0055 Jefferson Parish School Board
37. 14-0060 City of Alexandria
38. 14-0112 LEMIC Insurance Company

Mr. Hawkland moved to accept the recommendation of staff to deny these claims. The motion was seconded by Mr. Hataway and passed unanimously.

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (170) partial payments beginning with Claim #82-0195 and ending with Claim #11-0697. Mr. Hansberry asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of May 1, 2014. The motion was made by Mr. Hawkland, seconded by Mr. Hataway, and passed unanimously.

The Chairman moved to *Item 6* on the agenda, being the recommendation to approve 103) quarterly payments due beginning with Claim #85-0470 and ending with Claim #12-0327. Mr. Hawkland moved to accept the recommendation of the Director and approve reimbursement of quarterly payments as submitted on the agenda of May 1, 2014. The motion was seconded by Mr. Hataway and passed unanimously.

The Chairman moved to *Item 7*, Public Comment. No one from the public was present therefore, the Chairman moved to *Item 8* on the agenda. Mr. Hawkland made a motion to go into Executive Session to discuss Second Injury Board litigation and settlements. Mr. Hataway seconded the motion and it was passed unanimously.

Upon returning from Executive Session, the Chairman moved to *Item 8a* of the agenda, being settlement recommendations. Recommendation was requested to expand the agenda to add claim# 09-0723 to *Item 8a*. Motion to expand the agenda was by Mr. Hawkland and second by Mr. Hathaway and passed unanimously. It's been recommended by staff that (14) items be paid on a quarterly bases, (see attached). The Chairman requested a motion to approve the recommendations of the Director regarding settlement authority as discussed in Executive Session and to extend settlement authority to be reimbursed on quarterly basis for the following claims:

1. 88-0571
2. 95-0585 – Indemnity Only
3. 97-0858
4. 00-1064
5. 03-0611
6. 05-0263
7. 08-0268
8. 08-0285
9. 09-0834
10. 11-0564
11. 11-0909 – Indemnity Only
12. 12-0176
13. 12-0208
14. 09-0723

Mr. Hawkland moved to accept the recommendation. The motion was seconded by Mr. Hataway and passed unanimously.

There's (3) times were recommended to be denied for settlement and be paid on an on-going basis:

1. 03-0611
2. 05-0263
3. 08-0268

Mr. Hawkland moved to accept the recommendation. The motion was seconded by Mr. Hataway and passed unanimously.

The Chairman moved to *Item 8b* of the agenda, being Second Injury Board litigation. The Chairman asked for a motion to grant authority to legal counsel as discussed in Executive Session, to represent the Board in the following manner:

1. Claim #09-0370 settlement authority
2. Claim #12-0298 settlement authority
3. Claim #12-0387 settlement authority
4. Claim #09-0544 settlement authority
5. Claim #08-0200 settlement authority

Minutes (cont'd)

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Mr. Hawkland moved to accept the recommendation. The motion was seconded by Mr. Hataway and passed unanimously.

There being no further business to discuss, the Chairman asked for a motion to adjourn. Mr. Hawkland made the motion which was seconded by Mr. Hataway and passed unanimously.

The meeting was adjourned at 3:26 p.m.

Recording Secretary: Shaneka Davis